



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2403685
Applicant Name: Patrick Leigh
Address of Proposal: 333 16th Avenue East

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel of land into five unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses has been approved under separate project #2307860.

The following approval is required:

Short Subdivision - To divide one parcel of land into five unit lots.
(Seattle Municipal Code Chapter 23.24)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading,
or demolition, or another agency with jurisdiction.

BACKGROUND DATA

Site Description

The proposal site is approximately 6,496 square feet and is located in a Multi-Family Lowrise 3 zone (L-3) on 16th Avenue E. between E. Harrison Street and E. Thomas Street. 16th Avenue E. is a two-lane paved street with curbs, gutters and sidewalks on both sides.

The lot has approximately 54.12-feet of street frontage along 16th Avenue E. Site vegetation includes grass, shrubs and four trees. There are no Environmentally Critical Areas (ECA) mapped on the site.

Area Development

Zoning in the vicinity is mixed between multi-family and single-family, but is characterized largely by the Multi-Family Lowrise 3 zone (L-3) encompassing the block-face in which the site is located. On the east side of the block, the area is zoned Single Family 5000 (SF 5000). Southwest of the subject site is an area designated as a Major Institution-105, with the underlying zone designated as Neighborhood Commercial 2-40 (MIO-105-NC2-40). In combination, these areas are developed with single-family and multi-family structures.

Proposal Description

The applicant proposes to subdivide one parcel of land into five unit lots. Proposed unit lot sizes are: A) 1,487 square feet, B) 1,687 square feet, C) 1,202 square feet, D) 807 square feet; and E) 1,313 square feet. DPD Project #2307860, to establish use and construct (1) three-unit townhouse and with parking has been approved. Required vehicle access for the five unit lots is proposed off of the adjacent 16' wide alley through a proposed ingress/egress easement.

Public Comments

The public comment period for the proposed project ended on June 23, 2004 and two comments were received.

- Both comment letters related to the process of the Unit Lot Subdivision, as the letters questioned why the buildings were already under construction.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development (DPD), review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light, and review by the Land Use Planner.

1. Conformance to the applicable Land Use Code provisions;

The existing parent lot subject to this subdivision conforms to all development standards of the L-3 zone. The parent lot configuration provides adequate buildable area to meet applicable density, setbacks, lot coverage requirements and other land use code development standards. The unit lots proposed by this subdivision conform to the standards for unit lot subdivisions (SMC 23.24.045) and other code provisions applicable to unit lot subdivisions. Any new development must conform to code requirements for the parent lot at the time of application.

2. Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.53.005;

Vehicular access to each of the parcels will be from the adjacent alley. Both Units A and B access parking via two 10-foot wide easements and will have parking located on both Unit Lot C and E via a parking easement. Pedestrian access to the unit lots would be obtained from the street via a pedestrian access easement along the north and south property lines. In order to insure that the use and maintenance responsibilities associated with the common areas are clear, the applicant/responsible party will be required to record an easement maintenance agreement with the final short plat.

The Seattle Fire Department has reviewed the proposed lot configuration with regard to fire protection and emergency vehicle access and has no objection. No improvements were requested by the Fire Department.

Seattle City Light provides electrical service to the subject property and has indicated an easement is required. The easement identified in the Seattle City Light memorandum, dated July 26, 2004 and "Exhibit A to the City of Seattle Short Subdivision Number 2403685" shall be included on the final plat prior to recording.

As conditioned, this short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of water supply, sanitary sewage disposal, and drainage;*

Sanitary Sewer: Sanitary sewer issues, both public and private, have been resolved, or will be resolved, at the time of side sewer permit issuance.

Drainage: Drainage issues, both public and private, have been resolved, or will be resolved, at the time of side sewer permit issuance.

Seattle Public Utilities reviewed the unit lot subdivision application and approved a Water Availability Certificate, No. 04-0921 on June 21, 2004. All conditions on the certificate must be met prior to receiving water service.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed unit lot subdivision meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision. Address signage shall be posted such that addresses for all units are visible from 16th Avenue E.. An easement or covenant shall be recorded with the final plat to ensure that the address signage is maintained. The public use and interests are served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

The site is not mapped as a City of Seattle Environmentally Critical Area.

6. *Is designed to maximize the retention of existing trees;*

Not applicable, as the development of the subject site is permitted by approval of the associated building permit. No trees are expected to be removed as a result of this short subdivision.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Section 23.24.045 of the Seattle Municipal Code provides that under certain circumstances some types of parcels may be created that do not individually meet the zoning requirements for lot size, setbacks, density, and structure width and depth. These are called unit lot subdivisions and may be permitted as long as the development as a whole meets development standards.

However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional development

may be limited due to nonconformities, the following statement shall be required to be included as a note on the final short subdivision: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

The owner(s) and responsible party(s) shall:

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. The easement identified in the Seattle City Light memorandum, dated July 26, 2004 and "Exhibit A to the City of Seattle Short Subdivision Number 2403685" shall be included on the final plat prior to recording.
3. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
4. Provide an easement or covenant with the final plat to ensure that address signage for each unit lot is provided and maintained in a location visible from 16th Avenue E.
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements.

Signature: (signature on file) Date: August 2, 2004
Bryan C. Stevens, Land Use Planner
Department of Planning and Development
Land Use Services